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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte GENE H. JOHNSON, MATTHEW T. MAYER,
SCOTT E. KLOPFENSTEIN, and AARON H. DINWIDDIE

Appeal 2009-006252
Application 10/031,091[1]
Technology Center 2400

Decided: March 22, 2010

Before JOHN C. MARTIN, MAHSHID D. SAADAT,
and MARC S. HOFF, *Administrative Patent Judges*.

HOFF, *Administrative Patent Judge*.

DECISION ON APPEAL

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[1] The real party in interest is Thomson Licensing S.A.

STATEMENT OF THE CASE

Appellants appeal under 35 U.S.C. § 134 from a Final Rejection of claims 1-12. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

Appellants' invention concerns a television having a channel search routine for detection of channels in the television signal using the currently selected signal input rather than on all signal inputs of the television in an effort to shorten time for a channel search (Spec. 2:19-20). The channels detected are stored in memory within the television. The television includes a graphical user interface (GUI) that is used to initiate the channel search and is capable of displaying the detected channels relating to the currently selected signal input. Channel lists for each signal are updated as the channels are detected. A complete channel list may be maintained for all signal inputs as well as individual channel lists for each signal input (Abstract).

Claim 1 is exemplary:

> 1. In a video processing apparatus having at least two video inputs, each video input able to receive a video signal originating from a respective one of a plurality of external input sources and coupled to a display device, a method of performing a channel search comprising:
>
> determining by a user a currently selected video input from one of the at least two video inputs;
>
> detecting available channels from various possible channels received from the source connected to only the currently selected video input; and
>
> updating a channel list of all channels available for the currently selected video input.

The prior art relied upon by the Examiner in rejecting the claims on appeal is:

Wugofski	US 6,003,041	Dec. 14, 1999

Claims 1-12 stand rejected stand rejected under 35 U.S.C. 102(e) as being anticipated by Wugofski.

Rather than repeat the arguments of Appellants or the Examiner, we make reference to the Appeal Brief (filed Mar. 11, 2008), the Reply Brief (filed July 7, 2008), and the Examiner's Answer (mailed May 13, 2008) for their respective details.

ISSUES

Appellants contend that since Wugofski creates a master channel map of all channels on all attached source devices as opposed to just the one selected by the user, Wugofski does not anticipate "detecting available channels from various possible channels received from the source connected to only the currently selected video input" as recited in claim 1 of the present system (App. Br. 6-7). Appellants contend that there is no reason why Wugofski would just detect the channels for one selected source (App. Br. 4). Appellants contend that the claimed invention shortens the time for channel searching since it is only performed for one selected input (App. Br. 9, FF 1). Appellants contend that Wugofski does not disclose the use of information from a previous channel search or that entered in from a user regarding whether the video input is connected to a cable or antenna (App. Br. 10-11).

The Examiner finds that Wugofski discloses detecting available channels from various possible channels received from the source connected

to only the currently selected video input (Ans.3). The Examiner finds that Wugofski discloses "[w]hen a new connection is made, step 711 executes step 715, which requests the user to identify the device 120 ... and its source 110" (Ans. 6, FF 3). In other words, the Examiner concludes that the user identifies the video input source from among multiple input sources which meets that claim limitation of "'determining by a user a currently selected video input from one of the at least two video inputs'" (Ans. 6).

Appellants' contentions present us with the following three issues:

1. Does Wugofski disclose detecting available channels from only the currently selected video input?

2. Does Wugofski disclose a system that uses information from a previous channel search regarding whether the video input is connected to a cable or antenna?

3. Does Wugofski disclose a system that uses information entered by the user regarding whether the video input is connected to a cable or antenna?

FINDINGS OF FACT

The following Findings of Fact (FF) are shown by a preponderance of the evidence.

The Invention

1. According to Appellants, the invention concerns a television having a channel search routine for detection of channels in the television signal using the currently selected signal input rather than on all signal inputs of the television in an effort to shorten time for a channel search (Spec. 2:19-20). The channels detected are stored in memory within the

television. The television includes a graphical user interface (GUI) that is used to initiate the channel search and is capable of displaying the detected channels relating to the currently selected signal input. Channel lists for each signal are updated as the channels are detected. A complete channel list may be maintained for all signal inputs as well as individual channel lists for each signal input (Abstract).

Wugofski

2. Wugofski discloses an improved converged system made of a personal computer and a television that connects to a large number of media input sources for presentation in a single presentation device. The converged system includes a database that tracks the characteristics and connections of the input sources, such as satellite, cable and off-the-air television. The converged system generates a channel map that accepts a set of channel designations from each device and automatically translates or remaps them into a set of logical channels unique within the system (Abstract; col. 2, ll. 1-29).

3. Wugofski discloses that when a new connection is made, it is detected at step 711. In step 715, the system requests that the user identify the device 120, its port number in multiplexer 130, and its source 110. In step 716, the system reads a number of characteristics from the device itself, such as whether it is capable of tuning multiple channels. At step 717, a new record is built containing the information in columns 520 of FIG. 5. In step 718, the new record is added to a device database 350 (Figs. 3, 5, and 7A; col. 6, ll. 24-28).

4. Wugofski discloses that the arrival of a new event listing from an in-band or out-of-band on-line provider initiates a call to electronic

programming guide (EPG) services module 330 at step 720. Step 721 detects the listing and step 722 reformats its entries if necessary. For each event record in the listing, step 723 causes step 724 to translate the physical channel in the listing to the equivalent logical channel. Because the combination of device and physical channel is unique, this translation may be accomplished by accessing map database 370 using columns 622 and 624 as a composite key, then extracting the value of column 621. If step 725 determines that the current device/physical-channel combination is already present in database 370, then step 726 builds a new event record from the listing information and the logical channel designation and step 727 stores the record (Figs. 6 and 7A, col. 6, ll. 33-49).

5. Wugofski discloses that device selection and channel tuning may occur in response to a contemporaneous user selection of a specific event on a particular channel of a particular device using a TV-view interface 320 in architecture layer 230. The interface employs EPG content-services module 330 to present choices of events (Other sources, such as an application program 202 running on PC 150, may also interface with TV-services module 310 for this purpose) (col. 4, ll. 40-50).

PRINCIPLES OF LAW

Anticipation pursuant to 35 U.S.C § 102 is established when a single prior art reference discloses expressly or under the principles of inherency each and every limitation of the claimed invention. *Atlas Powder Co. v. IRECO Inc.*, 190 F.3d 1342, 1347 (Fed. Cir. 1999); *In re Paulsen*, 30 F.3d 1475, 1478-79 (Fed. Cir. 1994).

Analysis of whether a claim is patentable over the prior art under 35 U.S.C. § 102 begins with a determination of the scope of the claim. We determine the scope of the claims in patent applications not solely on the basis of the claim language, but upon giving claims their broadest reasonable construction in light of the specification as it would be interpreted by one of ordinary skill in the art. *In re Am. Acad. of Sci. Tech. Ctr.*, 367 F.3d 1359, 1364 (Fed. Cir. 2004). The properly interpreted claim must then be compared with the prior art.

In an appeal from a rejection for anticipation, Appellants must explain which limitations are not found in the reference. *See Gechter v. Davidson*, 116 F.3d 1454, 1460 (Fed. Cir. 1997) ("[W]e expect that the Board's anticipation analysis be conducted on a limitation by limitation basis, with specific fact findings for each *contested* limitation and satisfactory explanations for such findings.")(emphasis added). *See also In re Kahn*, 441 F.3d 977, 985-86 (Fed. Cir. 2006).

ANALYSIS

Claims 1, 2, 5, 6, 9, and 10

Independent claim 1 recites "detecting available channels from various possible received from the source connected to only the currently selected video input."

Independent claim 5 recites "detecting available channels received from the source connected to only the RF video input selected video by means for selecting."

Independent claim 9 recites "detecting available channels received from the source connected to only the selected first or second television signal input selected by the means for selecting."

Appellants contend that since Wugofski creates a master channel map of all channels on all attached source devices as opposed to just the one selected by the user, Wugofski does not anticipate "detecting available channels from various possible channels received from the source connected to only the currently selected video input" as recited in claim 1 of the present system (App. Br. 6-7). Similarly, Appellants contend that Wugofski does not disclose detecting available channels from a "'selected RF video input'" or from "the selected first or second television signal," as cited in respective claims 5 and 9 (App. Br. 14 and 20). Appellants contend that there is no reason why Wugofski would just detect the channels for one selected source (App. Br. 4). Appellants contend that the claimed invention shortens the time for channel searching since it is only performed for one selected input (App. Br. 9, FF 1).

The Examiner finds that Wugofski discloses detecting available channels from various possible channels received from the source connected to only the currently selected video input (Ans. 3). The Examiner finds that Wugofski discloses "'[w]hen a new connection is made, step 711 executes step 715, which requests the user to identify the device 120 ... and its source 110'" (Ans. 6, FF 3). In other words, the Examiner concludes that the user identifies the video input source from among multiple input sources which meets that claim limitation of "determining by a user a currently selected video input from one of the at least two video inputs" (Ans. 6).

Although the Examiner focused upon the step of "determining by a user a currently selected video input from one of the at least two video inputs" in responding to the Appellants' contention, we agree with the Examiner's finding the Wugofski discloses detecting available channels from various possible channels received from the source connected to only the currently selected video input (Ans. 3). Specifically, Wugofski discloses that when a new connection is made, the system requests that the user identify the device 120, its port number in multiplexer 130, and its source 110 (FF 3). The system reads a number of characteristics from the device itself and builds a new record containing channel information as shown in Fig. 5 (FF 3). As such, Wugofski anticipates that available channels are detected from "the source connected to only the currently selected video input."

Appellants have not shown error in the Examiner's rejection of independent claims 1, 5, and 9 under 35 U.S.C. § 102, nor that of dependent claims 2, 6, and 10, not separately argued with particularity, and we will sustain the rejection of these claims.

Claims 3, 7, and 11

Claim 3 recites "utilizing information generated from a previous full channel search regarding whether a video input is coupled to a cable video signal source or an antenna video signal source."

Claim 7 recites "utilizing information generated from a previous full channel search regarding whether an RF video input is coupled to a cable video signal source or an antenna video signal source."

Claim 11 recites "utilizing information generated from a previous full channel search regarding whether a television signal input is coupled to a cable video signal source or an antenna video signal source."

Appellants contend that although Wugofski checks a map database 370 to detect new channels and events looking up previous channel information, Wugofski does not disclose "'utilizing information generated from a previous full channel search regarding whether a video input is coupled to a cable video signal source or an antenna video signal source'" (App. Br. 10-11). Similarly, Appellants contend that Wugofski is not concerned with "'a previous full channel search'" or with determining "'*whether* an RF video input'" or a "'television signal input is coupled to a cable video signal source or an antenna video signal source'" (App. Br. 16, 22)

The Examiner finds that Wugofski discloses the claim limitations of claims 3, 7 and 11 (Ans. 4). Specifically, the Examiner finds that the user selects source 110 (Ans. 4, FF 3). The Examiner finds further that the system then goes through map database 370 to detect if any device/physical-channel keys are not present in database 370 for the selected source (Ans. 4, FF 4).

As noted *supra*, we sustained the rejection of claims 1, 5, and 9, from which claims 3, 7, and 11 depend. We agree with the Examiner that this claim limitation of claim 11 is met since "'a previous full channel search'" is stored in device database 350 and map database 370 which includes a full listing of whether the signal comes from any source, including a RF video input, a cable or an antenna as is shown in Figure 5 of Wugofski (FF 3, 4).

Appellants have not shown that the Examiner erred in finding that Wugofski discloses "utilizing information generated from a previous full channel search regarding whether a video input is coupled to a cable video signal source or an antenna video signal source." We therefore sustain the Examiner's rejection of claims 3, 7, and 11 under 35 U.S.C. § 102, for the same reasons expressed with respect to the § 102 rejection of parent claims 1, 5, and 9, *supra* and the reason set forth within this section.

Claims 4, 8, and 12

Claim 4 recites "utilizing information entered by a user regarding whether a video input is coupled to a cable video signal source or an antenna video signal source."

Claim 8 recites "utilizing information entered by a user regarding whether an RF video input is coupled to a cable video signal source or an antenna video signal source."

Claim 12 recites "utilizing information entered by a user regarding whether a television signal input is coupled to a cable video signal source or an antenna video signal source."

Appellants contend that although a user in Wugofski may view the EPG or enter a channel or scroll through channels, nowhere in the cited passages or elsewhere in Wugofski is there mention of using "'*information entered by a user* regarding *whether* a video input is coupled to a cable video signal source or an antenna video signal source'" (App. Br. 11).

The Examiner finds that after the user selects the video input, the user selects the channel to view through EPG 320 (Ans. 4). The Examiner finds further that if the user has a cable video signal source selected, the user selects a channel through the EPG (Ans. 4). Conversely, the Examiner finds

that if the user has an antenna video signal source selected, the user manually enters in the channel number or depresses the channel up/down button to select a channel (Ans. 4, FF 5).

As noted *supra*, we sustained the rejection of claims 1, 5, and 9, from which claims 4, 8, and 12 depend. We agree with the Examiner's findings that Wugofski meets the claim limitations of claims 4, 8, and 12 (Ans. 4). Specifically, Wugofski discloses that device selection and channel tuning may occur in response to a contemporaneous *user selection* of a specific event on a particular channel of a particular device using a TV-view interface 320 in architecture layer 230 (FF 5). Further, Wugofski discloses other sources such as an application program running on PC 150 which may receive information entered by the user for the same purpose (FF 5).

Appellants have not shown that the Examiner erred in finding that Wugofski discloses "utilizing information entered by a user regarding whether a video input is coupled to a cable video signal source or an antenna video signal source." We therefore sustain the Examiner's rejection of claims 4, 8, and 12 under 35 U.S.C. § 102, for the same reasons expressed with respect to the § 102 rejection of parent claims 1, 5, and 9, *supra*, and the reason set forth within this section.

CONCLUSIONS OF LAW

Wugofski discloses detecting available channels from only the currently selected video input.

Wugofski discloses a system that uses information from a previous channel search regarding whether the video input is connected to a cable or antenna.

Wugofski discloses a system that uses information entered by the user regarding whether the video input is connected to a cable or antenna.

ORDER

The Examiner's rejection of claims 1-12 is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED

KIS

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